



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 20, 1995

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR95-132

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 29216.

The City of Garland (the "city") received an open records request for the names, addresses and telephone numbers of those who placed a call to the Garland Police Department, which the Garland Police Department would regard as a 'Burglary Call,' between the hours of 6:00 p.m., Saturday, August 13, 1994 and 6:00 a.m., Sunday, August 14, 1994, occurring in the Central Sector

You contend the requested information is excepted from required public disclosure by the informer's privilege as incorporated into section 552.101 of the Government Code.

In *Roviaro v. United States*, 353 U.S. 53, 59 (1957), the United States Supreme Court explained the rationale that underlies the informer's privilege:

What is usually referred to as the informer's privilege is in reality the Government's privilege to withhold from disclosure the identity of persons who furnish information of violations of law to officers charged with enforcement of that law. [Citations omitted.] The purpose of the privilege is the furtherance and protection of the

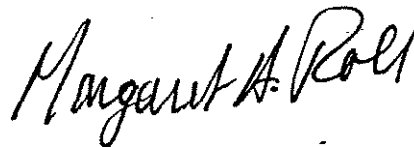
public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law-enforcement officials and, by preserving their anonymity, encourages them to perform that obligation.

The "informer's privilege" aspect of section 552.101 protects the identity of certain persons who report violations of the law; it does not, however, protect the identities of all such individuals. For example, the court in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.-Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976), specifically held that the name of individuals identified in police records as "complainants" is in fact public information. See also *Heard v. Houston Post Co.*, 684 S.W.2d 210, 214 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.) (affirming decision in *Houston Chronicle* that identities of all "complainants" are public). In this regard we note that each of the individuals whose names you seek to withhold are labeled as the "complainant" in each of the respective files.

You have not met your burden of establishing that the individuals reporting the burglaries are in fact "informants," as opposed to "complainants" whose identities are public information. See also Open Records Decision No. 482 (1987) at 3-4. Nor have you raised any other exceptions to required public disclosure with regard to these individuals' identities. Consequently, the city must release the requested information in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Margaret A. Roll".

Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/RWP/rho

Ref.: ID# 29216

Enclosures: Submitted documents

cc: Mr. Benito Porras
Chairman
Garland Hispanic Coalition
827 West Miller Road
Garland, Texas 75041
(w/o enclosures)